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ANALYSIS OF STATE FIRE CONTROL LAWS

GENERAL ADMINISTRATION

ENVIRONMENTAL PROTECTION &

POLLUTION CONTROL



National FS Library  
USDA Forest Service

MAY 18 2011

240 W Prospect Rd  
Fort Collins CO 80526

Prepared By

The Division of Cooperative Forest Fire Control  
Forest Service  
U. S. Department of Agriculture

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[illegible]



	<u>STATE CHARGED WITH FOREST FIRE CONTROL</u>			
	State Lands			
	Private Lands			
	All Forest Lands			
	<u>DISPOSITION OF FUNDS</u>			
	Receipts to General Treasury			
	Receipts may be used to carry on the fire program			
	<u>CIVIL SERVICE STATUS</u>			
	Applies to all forestry employees			
	Applies only to designated levels			
	<u>WARDEN's DUTIES AND POWERS</u>			
	Control and extinguish forest fires			
	Enforce forest fire laws			
	Enter lands without liability for trespass			
	Have powers of Peace Officer to enforce fire laws			
	Arrest without warrant			
	<u>PROTECTION DISTRICTS</u>			
	Authorized			
	Specified by law			
	By vote of residents or local authority			
	Designated by State Forester/State Fire Marshall			
	<u>IMPRESSED LABOR FOR FIRE FIGHTING</u>			
	Persons required to fight fire			
	Equipment to fight fire			
	<u>CLOSURE OF WOODS PUT INTO FORCE</u>			
	By law			
	By official proclamation			
	<u>LIABILITIES</u>			
	Political subdivisions may appropriate			
	Political subdivisions liable for part of cost			
	Landowners liable for all or part of cost of suppression and damages if negligent			
	<u>PROSECUTION</u>			
	State forestry personnel investigate			
	Local law enforcing officials investigate			
	State Forester prosecutes			
	Local law-enforcing officials prosecute			
	Authority to subpoena witness or administer oaths			
	Justice of Peace jurisdiction			
	Magistrate Court, Local			
Maine		X		
Maryland		X		
Massachusetts		X		
Michigan		X		
Minnesota		X		
Mississippi ✓		X		
Missouri		X		
Montana	X			
Nebraska	X	X		
Nevada	X	X		
New Hampshire		X		
New Jersey		X		
New Mexico		X		
New York		X		
North Carolina ✓		X		
North Dakota	X			



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Alaska	✓	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
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	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
		X	X		X	X	X	X			X	X	X	X	X	X	X
<u>BURNING PERMITS REQUIRED</u>																	
Subject to Air Pollution Control Regulations		X	X		X	X	X	X			X	X	X	X	X	X	X
Notification of intent to burn																	
In fire season			X			X	X	X				X				X	
Unless ground covered with snow																	
Unless on cleared ground																	
Specified hours of the day		X				X		X			X	X	X	X	X	X	X
Specified months of the year		X						X				X					
Unless specified distances from flammable material			X					X				X				X	
Permits may be required by State Forester in emergency																	
<u>SLASH DISPOSAL (Permit Laws Apply)</u>																	
Burning and deposition subject to Water & Air Pollution control regulations		X	X	X		X		X			X		X	X	X	X	X
No flammable material left																	
No flammable material near railroad												X					
No flammable material near highway																	
Disposal may be ordered or required		X		X										X	X	X	X
Disposal may be taken over by State Forester		X		X										X	X	X	X
Snag felling required														X	X	X	X
Disposal of extra hazard required																	
<u>SAWMILLS</u>																	
Portable sawmills licensed and regulated					X									X			
Spark arresters required on steam and internal combustion engines for mill power supply			X	X	X									X	X	X	X
No flammable material near																	
Conditions specified in contract			X														
<u>RAILROADS</u>																	
Spark arresters required		X		X	X									X	X	X	X
No ashes on right-of-way		X															
Right-of-way must be clear of brush		X				X								X	X	X	X
Land adjacent to right-of-way cleared														X	X	X	X
Maintain patrols														X	X	X	X
Employees' certain duties and powers		X		X	X									X	X	X	X
Liable for damages		X		X	X									X	X	X	X
Liable for cost of fire fighting		X		X	X									X	X	X	X
Fire is prima facie evidence of negligence																	
<u>SMOKING</u>																	
Restricted or forbidden in woods during closed season					X								X	X	X	X	X
Lighted cigarette, etc., not dropped in woods					X								X	X	X	X	X
Lighted cigarette, etc., not thrown on highway					X								X	X	X	X	X
Lighted cigarette, etc., not thrown from train					X								X	X	X	X	X